



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 10, 1998

Mr. Cary L. Bovey  
Brown McCarroll Sheets & Crossfield, L.L.P.  
309 E. Main Street  
Round Rock, Texas 78664-5246

OR98-1420

Dear Mr. Bovey:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116403.

The City of Round Rock (the "city") received a request for the "first page offense report for the March 3" incident as well as the tape of the 911 call pertaining to the incident. You state that the city has disclosed to the requestor the first page of the offense report. Gov't Code § 552.108(c); *see Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1973). You assert that the requested 911 tape is excepted from required public disclosure based on section 552.108 of the Government Code. We agree.

Section 552.108 of the Government Code reads in pertinent part as follows:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:
  - (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

You inform us that "the case is currently being investigated by the Texas Rangers . . . and is still pending in the District Attorney's office and is scheduled to be presented to the grand jury soon." We therefore believe that the release of the information on the tape that concerns the incident currently under investigation "would interfere with the detection, investigation, or prosecution of crime." *See Houston Chronicle Publ'g*, 531 S.W.2d 177. Accordingly, the city may withhold the tape from disclosure.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Kay Hastings".

Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/rho

Ref.: ID# 116403

Enclosure: Submitted tape

cc: Mr. Shane Graber  
Round Rock Leader  
105 S. Blair  
Round Rock, Texas 78664  
(w/o enclosure)